

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

UNITED STATES OF AMERICA,

v.

Criminal No. 3:24cr0044 (DJN)

JOSE CANO-MORALES,
Defendant.

SENTENCING GUIDELINE ORDER

1. The Court hereby schedules this case for sentencing on October 11, 2024 at 11:00 a.m.
2. Counsel for Defendant shall attend any interview of Defendant conducted by the Probation Office in the course of the presentence investigation.
3. The presentence investigation report (PSR), including guideline computations, shall be completed and provided to the parties at least FIFTY (50) DAYS before the sentencing hearing. This Order shall operate as notice to counsel that the PSR will be available in the Probation Office FIFTY (50) DAYS before the sentencing hearing.
4. Counsel shall not disclose the PSR to persons other than Defendant and members of the defense and prosecution teams, unless otherwise ordered by the Court. Because the PSR will contain sensitive and private information, counsel for Defendant shall meet in person with Defendant to review the contents of the PSR absent extraordinary circumstances. Defense counsel may provide a copy of the PSR to Defendant; however, if defense counsel elects to do so, they must inform Defendant that Defendant may not make any copies of the PSR or further disseminate it. Moreover, if defense counsel elects to provide a copy of the PSR to Defendant, they must collect the copy from Defendant no later than the date of sentencing.

5. At least THIRTY-SIX (36) DAYS before the sentencing hearing, the parties must state in writing to the Probation Office and opposing counsel any objections to the PSR, including objections to material information, sentencing guideline ranges, and policy statements contained in or omitted from the report.

6. Any party objecting to the PSR must seek resolution of all objections in conference with opposing counsel and the Probation Office as soon as possible, but no later than TWENTY-EIGHT (28) DAYS before the sentencing hearing. The presentence conference is mandatory, except when the contents of the PSR are not in dispute, and the complaining party shall be responsible for scheduling the conference with the Probation Office and opposing counsel.

7. Counsel for Defendant and the Government shall file sentencing pleadings (as defined in paragraph 8) no later than TWENTY-ONE (21) DAYS before the sentencing hearing. Responses and replies thereto shall be filed and served FOURTEEN (14) and TEN (10) DAYS, respectively, before the sentencing hearing. Copies shall be provided to the Probation Office on the same schedule.

8. The sentencing pleadings shall include (1) a statement that there are no objections to the PSR, if applicable; (2) notice of any objections to the PSR and any supporting evidence, documents or affidavits; (3) any motion for departure or variance with legal and factual support for the motion; (4) a brief summary of the anticipated testimony of any expert witness that either side intends to present; (5) a position on the appropriate sentence; and (6) the legal and factual basis for any forfeiture or restitution sought by the Government if contested by Defendant.

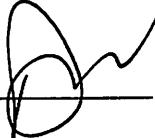
9. If there is an identifiable victim(s) in the case, the Government shall also file no later than SEVEN (7) DAYS before the sentencing hearing a certification that the Government has complied with their responsibilities as set forth in 18 U.S.C. § 3771(a)(2), (c)(1) to notify the

victim(s) of the date, time and location of the sentencing hearing, as well as the additional rights of the victim(s) as provided in § 3771. Should the victim(s) wish to provide a written impact statement, the Government shall include the victim impact statement with their certification.

10. The Probation Office shall transmit to the sentencing judge the PSR, including guideline computations and an addendum indicating any unresolved objections, no later than TWENTY-ONE (21) days before the sentencing hearing.

11. The time periods set forth above may be modified by the Court for good cause shown. Time periods under this Order shall be CALENDAR days. In computing any period of time under this Order, if any deadline falls on a Saturday, Sunday, or holiday, the deadline shall be the last business day before the Saturday, Sunday or holiday.

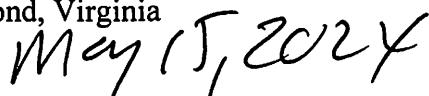
It is SO ORDERED.



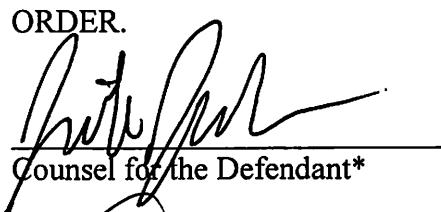
/s/
David J. Novak
United States District Judge

Richmond, Virginia

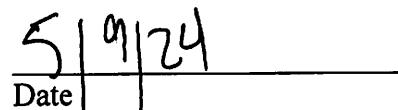
Date:


May 15, 2024

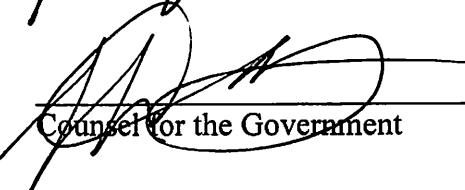
I HEREBY ACKNOWLEDGE RECEIPT OF A COPY OF THE SENTENCING GUIDELINE ORDER.



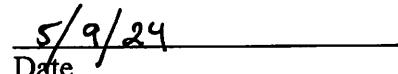
Counsel for the Defendant*



Date | 5/9/24



Counsel for the Government



Date | 5/9/24

* Counsel for the Defendant shall provide a copy of this Order to Defendant.